UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,990	10/14/2003	Carlos A. Bonilla	200309108-1	7122

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EXAMINER
LAU, TUNG S

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
08/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/685,990	BONILLA, CARLOS A.
	Examiner	Art Unit	
	Tung S. Lau	2863	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on 07/06/2007.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 07/06/2007 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 14, 2, 3, 4, 17, 5, 6, 7, 20, 15, 16, 18, 19, 9, 10, 11, 12, and 13 are

rejected under 35 U.S.C. 102(b) as being anticipated by Baba Yoshiyuki, (Japan

Patent 2001-243089, Date of Publication: 07.09.2001).

Regarding claim 1:

Baba Yoshiyuki describes a computer implemented method of automatic

software testing (section 0001, 0002) comprising: initiating a software test

comprising a plurality of test portions on a test system (section 0002, 0003);

providing status information about said software test running on said test system

to a common information point (section 0002, 0003), said status information

comprising identification of any of said plurality of test portions that have been

completed by said test system and any results from any of said plurality of test

portions that have been completed (section 0004, 0005), automatically (section

0001, 0002) reinstalling (section 0004, 0005, 0024, rerun the OS for test) an

operating system on said test system in response to reinstall command (section

0004, 0005, 0024, rerun the OS for test) provided by at least one of said plurality

of test portions (section 0009); querying said common information point to

determine said status information comprising identification of any of said plurality

of test portions that were completed by said test system prior to said reinstalling

of said operating system (section 0009, 0010, 0005, break point, then rerun the

OS) and any remaining of said plurality of test portions (section 0010, rerun the

test with break up that hang-up occurs or stopped); and resuming said software

test at a first of said remaining of said plurality of test portions after said

reinstallation of said operating system (section 0004, 0005, 0024, rerun the OS

for test).

【図1】
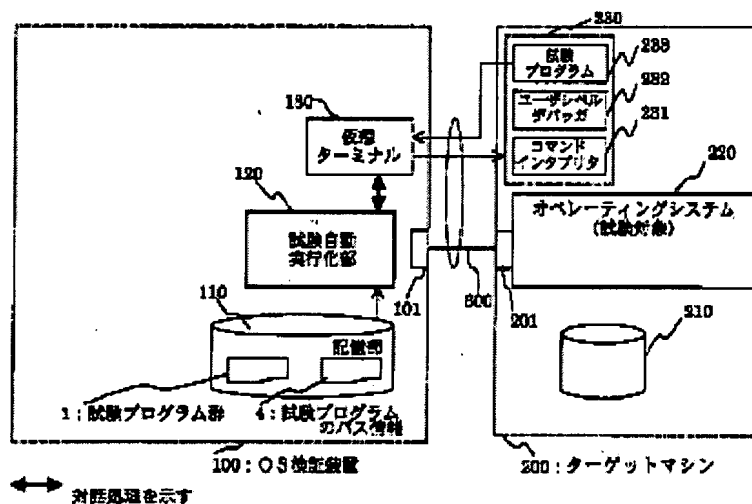
Regarding claim 8:

Baba Yoshiyuki describes a computer implemented method of automatic

software testing (section 0001-002) comprising: installing test driver software

comprising a plurality of test portions on a plurality of test systems (section 0014-

0015, 0024 test hardware on computer OS); evaluating said test driver software

for at least one synchronization requirement (section 0025, to match the

requirement on the target) within said plurality of test portions (section 0024,

0025, use break point for different portion of the test); providing a mapping of a

plurality of virtual test system names to real test system names to said test driver

software (section 0025, use break point for different portion of the test); providing

a test status for each of said plurality of test portions completed by each of said

plurality of test systems to a common information point monitoring said test

status for each of said plurality of test portions completed by each of said plurality

of test systems (section 0025, use API module for different hardware, software in

the target system) at said common information point to maintain synchronization

between said plurality of test systems when said test driver software includes

said at least one synchronization requirement (section 0025, using break point to

identify synchronization) ; automatically (section 0001-0002) reinstalling an

operating system (section 0024) on said plurality of test systems in response to

reinstall (section 0013, 0005 reboot or rerun) command provided by at least one

of said plurality of test portions (section 0005); querying said common information

point to determine which of said plurality of test portions were completed by said

plurality of test systems prior to said reinstalling of said operating system (section

0005, 13, 25); and resuming said software test (section 0005, 0013, rerun or

reboot the system) on a next of said plurality of test portions remaining after said

reinstallation of said operating system (section 0006, 0007, 0010, 0090, use

break point on the test program, continue when rerun when hang up occurs).

Regarding claim 14:

Baba Yoshiyuki describes a computer system for automatic software testing

(section 0001, 0002) comprising: a plurality of test computer systems for

performing a test comprising a plurality of test portions (section 0014, 0015,

0024, 0128, use API to test computer hardware or software system), said

plurality of test portions including a command to perform an automatic (section

0001, 0002) reinstall of an operating system of at least one of said plurality a test

master computer system communicatively coupled to said plurality of test

computer systems (section 0005, 0013, 0014, 0015 rerun or reboot the system),

said test master computer system installing a test driver on at least one of said

plurality of test computer systems (section 0014, 0024); a common information

point communicatively coupled to said plurality of test computer systems (section

0014, 0024), said common information point receiving and storing test status

information for each of said plurality of test portions completed by at least one of

said plurality of test systems (section 0025, use break point) such that in

response to an automatic (section 0001, 0002) reinstall of said operating system

of at least one of said plurality of test computer systems (section 0004, 0005,

0024, rerun the OS for test,), said test driver will query said common information

point to determine which of said plurality of test portions were completed prior to

said reinstalling (section 0004, 0005, 0024, rerun the OS for test) of said

operating system and which of said test portions remain pending for said at least

one of said plurality of test computer system (section 0004, 0005, 0024, 0010,

rerun the OS for test after hang up using break point).

Regarding claim 2, Baba Yoshiyuki further describes common information point

is (section 0001, 0002, 0005, break point) on a computer system independent

from a computer system running said software test (fig. 1, 200).

Regarding claim 3, Baba Yoshiyuki further describes reinitializing under

software control (section 0005, 0013, 0009, rerun or reboot the system).

Regarding claims 4, Baba Yoshiyuki further querying is started by a start- up process, said start up process automatically initiated by said operating system (section 0005, 0013, 0009, 0014 rerun or reboot the system).

Regarding claims 17, Baba Yoshiyuki further describes querying is started by a start up process (section 0005, 0013, 0014 rerun or reboot the system), said start up process automatically initiated by said operating system (section 0009, 0024).

Regarding claim 5, Baba Yoshiyuki further describes identification of test portion completed (section 0005, break point indentifying).

Regarding claim 6, Baba Yoshiyuki further describes resuming restarts points said software test at point subsequent to a least test portion completed (section 0005, break point indentifying, section 0004, 0005, 0024, rerun the OS for test)

Regarding claim 7, Baba Yoshiyuki further describes test system is running a different operating system subsequent to said reinstalling than said test system was running prior to said reinstalling (section 005, 0009, 0013, 0024, before rerun, the system is under 'different OS' as OS changes).

Regarding claim 20, Baba Yoshiyuki further describes at least one of said plurality of test computer systems (section 0024) is running a different operating system subsequent to sad reinstalling than said at least one of said plurality of test computer systems was running prior to said reinstalling (section 0009, 0024).

Regarding claim 15, Baba Yoshiyuki further describes master computer is distinct from test computer system (fig. 1, 100, 200).

Regarding claim 16, Baba Yoshiyuki further describes reinitializing under
software control (section 0005, 0013, rerun or reboot the system).

Regarding claim 18, Baba Yoshiyuki further describes status information portion
of test completed (section 0005, break point indentifying).

Regarding claim 19, Baba Yoshiyuki further describes resuming restarts to last
portion completed (section 0005, break point indentifying).

Regarding claim 9, Baba Yoshiyuki further describes identifying said common
point of information to said plurality of test systems (section 0005, 0024).

Regarding claim 10, Baba Yoshiyuki further describes test results are gathered
from said common point of information (section 0005, break point file).

Regarding claim 11, Baba Yoshiyuki further describes mapping resides on said
common point of information (section 0005, break point file).

Regarding claim 12, Baba Yoshiyuki further describes common point of
information is a network file system mount point common to all test systems
(section 0005, break point file).

Regarding claim 13, Baba Yoshiyuki further describes installing is responsive to
a start up process (section 0013, 0005 reboot or rerun), said start up process
automatically (section 0001, 0002) initiated by said operating system (section
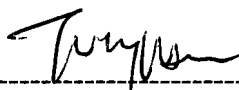0024).

Response to Arguments

3.   Applicant's arguments with respect to the amended claims have been considered
but are moot in view of the new ground(s) of rejection. However, applicant's

arguments filed 07/06/2007 have been fully considered but they are not

persuasive.

Contact information

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tung S. Lau whose telephone number is 571-

272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor,

John Barlow can be reached on 571-272-2269. The fax phone numbers for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Tung S. Lau
AU 2863, Patent examiner
July 25, 2007